

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEORGE HALL,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:11 CV 416

MIKE MARTIN, et al.,

Defendants.

---

**REPORT AND RECOMMENDATION**

This matter is before the Court on Defendant Lowe's Joinder in Motion for Summary Judgment. (Dkt. #29). Pursuant to 28 U.S.C. § 636(b)(1)(B), the undersigned recommends that Defendant's motion be **granted** and this matter terminated.

Plaintiff initiated the present action on April 25, 2011, against Chaplain Onesiphorus Burrel, Father Andrew Lowe, Special Activities Coordinator Michael Martin, and Deputy Director Dennis Straub. Plaintiff alleges that the denial of his request for separate worship services for the Messianic Jewish faith violates his rights under the First Amendment and the Religious Land Use and Institutionalized Persons Act (RLUIPA).

On March 15, 2012, the undersigned recommended that Defendants Burrel, Martin, and Straub were entitled to summary judgment. (Dkt. #27). The undersigned further noted that Plaintiff's allegations against Defendant Lowe were identical to those asserted against Defendants Martin, Straub, and Burrel. While Defendant Lowe, who is represented by different counsel, did not join the previous motion for summary judgment, the Court noted that had Defendant Lowe done so he would also be

entitled to relief. Defendant Lowe now moves to join the motion for summary judgment filed by Defendants Burrel, Martin, and Straub. The undersigned recommends that Defendant Lowe's motion be granted and that summary judgment be granted in his favor for the reasons articulated in the undersigned's March 15, 2012 Report and Recommendation.

### CONCLUSION

For the reasons articulated herein, the undersigned recommends that Defendant Lowe's Joinder in Motion for Summary Judgment, (dkt. #29), be **granted**, summary judgment be **granted** in his favor, and this matter terminated.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Date: March 20, 2012

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge